



House of Representatives

General Assembly

File No. 92

February Session, 2014

House Bill No. 5339

House of Representatives, March 25, 2014

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE ADMINISTRATION OF OATHS AND THE VALIDATION OF CERTAIN MARRIAGES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-24 of the 2014 supplement to the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective*
3 *from passage*):

4 The following officers may administer oaths: (1) The clerks of the
5 Senate, the clerks of the House of Representatives and the chairpersons
6 of committees of the General Assembly or of either branch thereof,
7 during its session; (2) state officers, as defined in subsection (t) of
8 section 9-1, judges and clerks of any court, family support magistrates,
9 judge trial referees, justices of the peace, commissioners of the Superior
10 Court, notaries public, town clerks and assistant town clerks, in all
11 cases where an oath may be administered, except in a case where the
12 law otherwise requires; (3) commissioners on insolvent estates,
13 auditors, arbitrators and committees, to parties and witnesses, in all
14 cases tried before them; (4) assessors and boards of assessment

15 appeals, in cases coming before them; (5) commissioners appointed by
16 governors of other states to take the acknowledgment of deeds, in the
17 discharge of their official duty; (6) the moderator of a school district
18 meeting, in such meeting, to the clerk of such district, as required by
19 law; (7) the [first selectman] chief elected official of a municipality, in
20 any matter before the [board of selectmen] chief elected official of a
21 municipality; (8) the Chief Medical Examiner, Deputy Medical
22 Examiner and assistant medical examiners of the Office of the Medical
23 Examiner, in any matter before them; (9) registrars of vital statistics, in
24 any matter before them; (10) any chief inspector or inspector appointed
25 pursuant to section 51-286; (11) registrars of voters, deputy registrars,
26 assistant registrars, and moderators, in any matter before them; (12)
27 special assistant registrars, in matters provided for in subsections (b)
28 and (c) of section 9-19b and section 9-19c; (13) the Commissioner of
29 Emergency Services and Public Protection and any sworn member of
30 any local police department or the Division of State Police within the
31 Department of Emergency Services and Public Protection, in all
32 affidavits, statements, depositions, complaints or reports made to or by
33 any member of any local police department or said Division of State
34 Police or any constable who is under the supervision of said
35 commissioner or any of such officers of said Division of State Police
36 and who is certified under the provisions of sections 7-294a to 7-294e,
37 inclusive, and performs criminal law enforcement duties; (14) judge
38 advocates of the United States Army, Navy, Air Force and Marine
39 Corps, law specialists of the United States Coast Guard, adjutants,
40 assistant adjutants, acting adjutants and personnel adjutants,
41 commanding officers, executive officers and officers whose rank is
42 lieutenant commander or major, or above, of the armed forces, as
43 defined in section 27-103, to persons serving with or in the armed
44 forces, as defined in said section, or their spouses; (15) investigators,
45 deputy investigators, investigative aides, secretaries, clerical assistants,
46 social workers, social worker trainees, paralegals and certified legal
47 interns employed by or assigned to the Public Defender Services
48 Commission in the performance of their assigned duties; (16) bail
49 commissioners and intake, assessment and referral specialists

50 employed by the Judicial Department in the performance of their
51 assigned duties; (17) juvenile matter investigators employed by the
52 Division of Criminal Justice in the performance of their assigned
53 duties; (18) the chairperson of the Connecticut Siting Council or the
54 chairperson's designee; (19) the presiding officer at an agency hearing
55 under section 4-177b; (20) family relations counselors employed by the
56 Judicial Department and support enforcement officers and
57 investigators employed by the Department of Social Services Bureau of
58 Child Support Enforcement and the Judicial Department, in the
59 performance of their assigned duties; (21) the chairperson, vice-
60 chairperson, members and employees of the Board of Pardons and
61 Paroles, in the performance of their assigned duties; (22) the
62 Commissioner of Correction or the commissioner's designee; (23)
63 sworn law enforcement officers, appointed under section 26-5, within
64 the Department of Energy and Environmental Protection, in all
65 affidavits, statements, depositions, complaints or reports made to or by
66 any such sworn law enforcement officer; and (24) sworn motor vehicle
67 inspectors acting under the authority of section 14-8.

68 Sec. 2. (*Effective from passage*) No oath administered by a chief
69 elected official, on or after November 1, 2011, but prior to the effective
70 date of this section, shall be deemed invalid solely because the chief
71 elected official lacked the authority to administer the oath under
72 section 1-24 of the general statutes, as amended by this act.

73 Sec. 3. Section 46b-22a of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective from passage*):

75 All marriages celebrated before [June 7, 2006] the effective date of
76 this section, otherwise valid except that the justice of the peace joining
77 such persons in marriage did not have a valid certificate of
78 qualification, are validated, provided the justice of the peace who
79 joined such persons in marriage represented himself or herself to be a
80 duly qualified justice of the peace and such persons reasonably relied
81 upon such representation.

82 Sec. 4. Section 46b-24a of the general statutes is repealed and the

83 following is substituted in lieu thereof (*Effective from passage*):

84 All marriages celebrated before [June 7, 2006] the effective date of
85 this section, otherwise valid except that the license for any such
86 marriage was issued in a town other than the town in this state in
87 which such marriage was celebrated, or where either party to the
88 marriage resided at the time of the marriage license application, are
89 validated.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>from passage</i> | 1-24 |
| Sec. 2 | <i>from passage</i> | New section |
| Sec. 3 | <i>from passage</i> | 46b-22a |
| Sec. 4 | <i>from passage</i> | 46b-24a |

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which extends the authority to administer oaths to the chief elected official of a municipality, does not result in a fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 5339*****AN ACT CONCERNING THE ADMINISTRATION OF OATHS AND THE VALIDATION OF CERTAIN MARRIAGES.*****SUMMARY:**

This bill extends to all municipal chief elected officials the authority to administer oaths in matters before them. The law already grants this authority to first selectmen in matters before the board of selectmen. The bill specifies that oaths administered by chief elected officials between November 1, 2011 and the bill's passage must not be considered invalid solely because the official lacked statutory authority to administer the oath.

The bill validates marriages performed between June 7, 2006 and the bill's passage that would have been valid except that:

1. the marriage license was issued in a town (a) other than the town where the ceremony was held or (b) where neither of the celebrants resided when they filed their license application or
2. the justice of the peace who performed the ceremony did not have a valid certificate but represented himself or herself as qualified and the marrying couple reasonably relied on that representation.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 1 (03/10/2014)